

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

VINCENT DANDURAND,)	
)	
Plaintiffs,)	2:07-cv-887-LRH-RJJ
)	
vs.)	
)	
LEONARD STONE, etc., <i>et l.</i> ,)	REPORT & RECOMMENDATION
)	OF UNITED STATES
)	<u>MAGISTRATE JUDGE</u>
Defendant,)	
)	

This matter is before the undersigned Magistrate Judge on the failure of the Plaintiff to appear for a status conference scheduled for September 20, 2007, at 10:30 A.M. (*See*, Order (#2)).

The Court having reviewed this matter makes the following findings:

1. On August 29, 2007, the Court issued an Order (#2) scheduling a status conference for September 20, 2007, at 10:30 A.M. Order (#2)
2. The Order (#2) was sent to Plaintiff, Vincent Dandurand at his address of record by certified mail. However, the mail was returned, marked "Return to Sender MOVED". Returned Mail (#4).
3. Plaintiff, Vincent Dandurand, did not appear at the hearing and further, failed to advise the Court of a reason for his non-attendance.
4. Plaintiff has not kept the Court advised of his current address.
5. The Court is unable to contact Plaintiff, therefore, it is not possible to determine Plaintiff's eligibility for *in forma pauperis* status.

Good cause appearing therefore,

IT IS THE RECOMMENDATION of the undersigned Magistrate Judge that this case be dismissed with prejudice. The clerk shall serve this Report & Recommendation on the Plaintiff, Vincent Dandurand, by certified mail, return receipt requested.

Pursuant to Local Rule IB 3-2 [former LR 510-2] any objection to this Report and Recommendation must be in writing and filed with the Clerk of the Court within ten (10) days after service of this Notice. The Supreme Court has held that the courts of appeal may determine that an appeal has been waived due to the failure to file objections within the specified time. Thomas v. Arn, 474 U.S. 140 (1985), reh'g denied, 474 U.S. 1111 (1986). This Circuit has also held that (1) failure to file objections within the specified time and (2) failure to properly address and brief the objectionable issues waives the right to appeal the District Court's order and/or appeal factual issues from the order of the District Court. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991); Britt v. Simi Valley United Sch. Dist., 708 F.2d 452, 454 (9th Cir. 1983).

DATED this 15th day of October, 2007.


ROBERT J. JOHNSTON
United States Magistrate Judge